

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q93246

Satoko YAMAHIRA, et al.

Appln. No.: 10/568,671

Group Art Unit: 1651

Confirmation No.: 2722

Examiner: Irene MARX

Filed: February 17, 2006

For: LACTIC ACID BACTERIA CAPABLE OF STIMULATING MUCOSAL IMMUNITY

STATEMENT OF AVAILABILITY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We, OTSUKA PHARMACEUTICAL CO., LTD. of 9, Kandatsukasa-cho 2-Chome, Chiyoda-ku, Tokyo 1018535, JAPAN, declare and state that:

We are the Assignees of the entire right, title and interest of the invention described and claimed in the above-identified application, as evidenced by the Assignment recorded on February 17, 2006 at Reel 017598, Frame 0813.

We agree that upon allowance and issuance of the above identified application into a United States Patent, restriction on availability of the following deposits will be irrevocably removed:

(1) Accession No. FERM BP-10064

(2) Accession No. FERM BP-10065

(1) *Lactobacillus plantarum* ONRIC b0239

which is designated in the specification of the above-identified application and was deposited at an independent administrative corporation, the National Institute of Advanced Industrial Science and Technology International Patent Organism Depository, AIST Tsukuba Central 6, 1-1, Higashi 1-Chome Tsukuba-shi, Ibaraki-ken, Japan on August 6, 2003, under the accession number of FERM P-19469. Then it was transferred to an international deposit under the Budapest Treaty, and received an accession number of FERM BP-10064.

(2). *Lactobacillus plantarum* ONRIC b0240

which is designated in the specification of the above-identified application and was deposited at an independent administrative corporation, the National Institute of Advanced Industrial Science and Technology International Patent Organism Depositary, AIST Tsukuba Central 6, 1-1, Higashi 1-Chome Tsukuba-shi, Ibaraki-ken, Japan on August 6, 2003, under the accession number of FERM P-19470. Then it was transferred to an international deposit under the Budapest Treaty, and received an accession number of FERM BP-10065.

We also assure access to the deposits to one determined by the Commissioner to be entitled thereto under 37 C.F.R. § 1.14 and 35 U.S.C. § 122.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Respectfully submitted,

/Susan J. Mack/

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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: March 13, 2009